

ENTERED

July 15, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RASHID GOCHIIAEV,

Petitioner,

v.

MARTIN FRINK, Warden, Houston
Processing Center,¹

Respondent.

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CIVIL ACTION NO. H-25-2801

ORDER TO CORRECT DEFICIENT PLEADINGS

The petitioner, Rashid Gochiiaev, represented by counsel, has filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. (Docket Entry No. 6). Gochiiaev is currently in the custody of United States Immigration and Customs Enforcement (“ICE”) at the Houston Processing Center. (*See id.* at 1). Gochiiaev alleges that he is being illegally detained in immigration custody.

The petition, however, is not on an approved form. *See* Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts.² In that regard, the petitioner is advised that the petition he has submitted is deficient because it does not comply with Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts.

¹ Although the petition also lists several other federal officials, Warden Frink is Gochiiaev’s immediate custodian and is therefore the only proper respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

² Rule 1 of the Rules Governing Section 2254 Proceedings in the United States District Courts provides that those rules may apply to any petition for writ of habeas corpus, including those under § 2241. *See* Rule 1(b), Rules Governing Section 2254 Cases in the United States District Courts.

Accordingly, the court **orders** as follows:

1. The Clerk is **instructed** to **strike** the petition, (Docket Entry No. 1), and the amended petition, (Docket Entry No. 6), from the docket.
2. The Clerk is **instructed** to send counsel for the petitioner a blank Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. If the petitioner wishes to continue to pursue this action, he must correct his pleadings by completing the form petition and return it to the court. If needed, the petitioner may attach additional pages to the form petition.
3. Counsel for the petitioner must provide the petitioner's A-Number to assist the court in locating the petitioner on ICE's Online Detainee Locator System.³
4. **The deficiencies identified in this Order must be corrected by August 19, 2025.**

The Clerk will provide a copy of this Order and the appropriate form to counsel for the petitioner.

SIGNED on July 15, 2025, at Houston, Texas.



Lee H. Rosenthal
Senior United States District Judge

³ See *Online Detainee Locator System*, U.S. Immigration and Customs Enforcement, <https://locator.ice.gov/odls/#/search> (last visited July 15, 2025).